

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street
Fitchburg MA 01420
(978) 345-9557

William A. Judge, Chairman
Robert A. Bourque
David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on February 5, 2007, in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman William Judge at 6:05 PM. Commissioners Robert Bourque and David Arsenault were present.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes of the regular meeting held on January 17, 2007 were reviewed, approved and signed.

II. REVIEW/DISCUSSION OF LICENSE COMMISSION REGULATIONS IN EFFECT AS OF JANUARY, 2007

This review will be conducted between 6:00PM to no later than 6:30PM. Licensees who have questions about the regulations that are not answered during that time period should submit their questions in writing to the License Commission office.

Review conducted. Attendees were encouraged to submit any questions or concerns regarding the new regulations in writing to the License Commission office. Once received, written questions or concerns will be reviewed by the License Commission and a response will be sent to the establishment making the inquiry.

III. NEW APPLICATIONS

St. Francis of Assisi Parish c/o Rev. Gerald A. Dorais for Special One Day All Alcoholic Beverages license for Valentine Dance from 6PM to 1AM on February 17, 2007 at 89 Sheridan St.

Present was Mr. Guillermo Diaz. Application approved 3-0.

Madonna of Holy Rosary Catholic Church for Special One Day Wine and Malt Beverages license for Fish Fry from 4PM to 7PM on Feb. 23, March 2, 9, 16, 23, 30, 2007 at 118 Theresa St.

Present was Ms. Maureen Beauvais. Application approved 3-0.

Madonna of Holy Rosary Catholic Church for Special One Day Wine and Malt Beverages license for Garlic Festival from noon to 7PM on June 3, 2007 in the church parking lot, 118 Theresa St.

Present was Ms. Maureen Beauvais. Application approved 3-0.

Hasting Hall, 35 Holt St. for renewal of Lodging House License.

Present was Mr. Victor Ortiz. Application approved 3-0.

Pizza Hut of America, Inc. d/b/a Pizza Hut, 380 John Fitch Highway for Transfer of Stock.

Application accepted and sent to a Public Hearing on February 21, 2007 by vote of 3-0.

Oak Hill Country Club, 840 Oak Hill Road for Alteration of Premises: To amend the current liquor license to include all areas of the clubhouse and patio, snack bar, pool, tennis pavilion and golf course.

Application accepted and sent to a Public Hearing on February 21, 2007 by vote of 3-0.

Karma at Bourbon Street to have the previously voted upon Seven (7) day a week entertainment license vacated and the previously issued license reinstated.

Present were Mr. Scott Gibeault and Ms. Cynthia Allaire. Chairman Judge read aloud a letter from Michelle Fife. The letter stated, in part, "...The request submitted to the clerk to be placed on the agenda for the last meeting was for a extension of days from 3 days to seven days. The authority given to Ms. Cynthia Allaire was granted for that extension ONLY She did not have the Authority to address the board on matters that would so greatly effect this Corporation on the type of entertainment license the Corporation holds. The conditions this Board Placed in front of her was not understood by her and should not have been addressed with out and agreed upon by our Board of Directors....."

Discussion ensued regarding this statement with Chairman Judge expressing his concern that the Manager of record for Karma at Bourbon Street is not authorized to discuss requests made by the establishment. Commissioners Bourque and Arsenault agreed with Chairman Judge's concerns. Mr. Gibeault disagreed with Chairman Judge's interpretation of the letter and stated it referred only to the matter at immediate hand. Therefore, Chairman Judge requested another letter from Nu-Nu Inc. Directors be sent to the License Commission stating that Ms. Allaire has full authority to represent the corporation at future meetings of the License Commission. Mr. Gibeault agreed to do so.

By vote of 3-0, the previously voted upon 7-day per week entertainment license was AMENDED to include D.J.'s. The license now

reads as follows: Permit for Entertainment – Sunday – Saturday, live jazz bands, piano, live vocals, dance, DJ's.

IV. CONTINUED HEARINGS

Judith Durling, 371 Lunenburg St. for Transfer of All Alcoholic Restaurant License and Change of Location to Rome Amico, Inc., 50 Whalon St. Present were Andrew Rome and Wayne Amico representing Rome Amico, Inc. and Dan Curley, IDC Executive Director. Mr. Rome stated that all paperwork for the project has been submitted to the Building Department and the Planning Department. He asked for an extension until February 21, 2007 to ensure all permits are granted as requested. He stated that the project is scheduled for a Public Hearing before the Planning Board for February 20, 2007.

Mr. Dan Curley spoke in favor of the application. No one spoke in opposition to the application.

Hearing continued to February 21, 2007.

Fred Blake, Manager, The Cellar, 14 Mill St., for alleged violation of ABCC Regulation 204-2.05: Permitting a disturbance on premise, two counts; FPD reports 06-35757-AR and 06-36598-AR.

Present were Attorney Joseph Solomito and Mr. Fred Blake, Manager, representing The Cellar and FPD Officer Giannini. Also present in the audience was Mr. Eric Hartwell who will be acting as manager on Thursday, Friday and Saturday nights in Mr. Blake's absence. Commissioner Arsenault stated that he would abstain from voting secondary to the fact that he was not present on the initial hearing date.

Operating policies of The Cellar were submitted has had been requested by the Board at the initial hearing. Attorney Solomito reported on discussions with Mr. Pat Slattery, Architect, regarding the allowable occupancy at The Cellar. All present agreed that the allowable occupancy number at The Cellar will stay at 45 until a revised floor plan is approved and a new occupancy permit with a different allowable occupancy number is signed by Michael Gallant, Building Commissioner. Attorney Solomito noted for the record that he had subpoenaed both FPD officers involved in the referenced police reports to tonight's meeting but that only Officer Giannini was present.

By vote of 2 -0 (Arsenault abstained) no action was taken on the referenced police reports.

V. OTHER

- Randy Sumner, to explain his RMV driving record to the Board in regards to his taxi driver permit application.
Mr. Sumner was not present. No action taken.
- Charles E. Sternaimolo to appeal the denial of a taxi driver permit application
Present was Charles E. Sternaimolo.
At 7:37 PM by unanimous roll call vote the License Commission entered in to executive session, with the intention to reconvene in open session duly noted, to discuss the character of Mr. Charles E. Sternaimolo.
At 7:55 PM executive session was adjourned and open session reconvened.
By vote of 3-0 Charles Sternaimolo was granted a taxi driver permit until September 5, 2007.
- Taxi driver applications
Approved for two years: Cheryl Slack;
Keith Vaillancourt provided that he supplies a copy of his drivers license with the new address sticker affixed.
- Correspondence
The following questions from C&M Taxi (aka Gigi's Taxi) – Millie Lynch were answered as follows:
1. Does the taxi regulation regarding "No Smoking" pertain to customers as well as to drivers?
ANSWER – YES.
2. Can they make deliveries of alcoholic beverages?
ANSWER - They must contact the ABCC for permission to provide this service to the public.
- Any other matter that may come before the Commission as time permits

The meeting adjourned at 8:55 PM.

Respectfully submitted,

Anna M. Farrell, Clerk

Approved:

William A. Judge

Robert A. Bourque

David F. Arsenault

